

Exhibit “A”

Doug Pick

From: Doug Pick
Sent: Thursday, June 17, 2021 7:20 PM
To: Kapoor, Rishi
Cc: King, Bill B.
Subject: RE: Virginia True

In sum and substance we believed that the settlement was in the best interests of all creditors including your client. [REDACTED]

[REDACTED] The settlement also allows me to address and resolve the DEQ settlement



Douglas J. Pick | *Partner*
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www.picklaw.net

From: Kapoor, Rishi [<mailto:RKapoor@Venable.com>]
Sent: Thursday, June 17, 2021 7:11 PM
To: Doug Pick <dpick@picklaw.net>
Cc: King, Bill B. <wbking@venable.com>
Subject: Virginia True

Doug:

As discussed, below are additional questions regarding the proposed settlement motion. We ask that you provide answers as soon as you are able, prior to the date objections are due.

1. Did the Debtor estimate the cost of continuing to litigate the adversary proceeding against the Cipollones? If so, what conclusions did the Debtor reach?
2. Did the Debtor estimate the time to bring its adversary proceeding against the Cipollones to resolution if litigated? If so, what conclusions did the Debtor reach?
3. Did the Debtor compare the possibility of success in the adversary proceeding against the Cipollones and the benefit of success to the unsecured creditors, on the one hand, to the possibility of loss in the adversary proceeding and the impact of such loss on the unsecured creditors, on the other hand? If so, what conclusions did the Debtor reach?
4. Is the release of the Cipollones' claims against the Debtor's principals a material term of the settlement agreement?

Thank you.

Best,
Rishi

Rishi Kapoor, Esq. | Venable LLP
t 212.370.6257 | f 212.307.5598 | m 734.883.7197
Rockefeller Center, 1270 Avenue of the Americas, 24th Floor, New York, NY 10020

RKapoor@Venable.com | www.Venable.com

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Doug Pick

From: Doug Pick
Sent: Monday, June 21, 2021 7:21 AM
To: haroldsomer@hsomerlaw.com; Stephen Starr
Cc: Kapoor, Rishi; Eric C. Zabicki
Subject: Virginia True

I spoke to Rishi over the weekend. Diatomite is interested in finding a resolution to their claim in the chapter 11 case and have requested a short adjournment of the hearing on the 9019 motion and the Cipollones' Motion to Dismiss, which are the only two matters scheduled to be argued on the 29th (Another separate court hearing is set for July 13 for all other matters). Please let me know if you consent to their request? Thanks Doug



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www.picklaw.net

Doug Pick

From: Kapoor, Rishi <RKapoor@Venable.com>
Sent: Thursday, July 1, 2021 11:57 AM
To: Doug Pick
Cc: Eric C. Zabicki
Subject: RE: Virginia True

Will do. We had a substantive but high-level conversation when we spoke. He said he wanted to his client (and you) and would get back to me.

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From: Doug Pick <dpick@picklaw.net>
Sent: Thursday, July 1, 2021 11:55 AM
To: Kapoor, Rishi <RKapoor@Venable.com>
Cc: Eric C. Zabicki <ezabicki@picklaw.net>
Subject: RE: Virginia True

Caution: External Email

I was only told that you reached out. I was hoping that some progress would have been made. Please keep me informed and/or let me know if you have a counterproposal to our offer. Thanks Doug



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www.picklaw.net

From: Kapoor, Rishi [<mailto:RKapoor@Venable.com>]
Sent: Thursday, July 1, 2021 11:52 AM
To: Doug Pick <dpick@picklaw.net>
Cc: Eric C. Zabicki <ezabicki@picklaw.net>
Subject: RE: Virginia True

Hi Doug,

I'm waiting to hear back from Harold. I checked in with him yesterday after we spoke earlier in the week but haven't gotten a response yet. I'll check back with him now.

He mentioned he would reach out to you after we spoke – have you spoken to him this week?

Rishi

Rishi Kapoor, Esq. | Venable LLP
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From: Doug Pick <dpick@picklaw.net>
Sent: Thursday, July 1, 2021 8:33 AM
To: Kapoor, Rishi <RKapoor@Venable.com>
Cc: Eric C. Zabicki <ezabicki@picklaw.net>
Subject: Virginia True

Caution: External Email

Rishi

Can you give me an update on our proposal to resolve the Diatomite Claim? I need to move forward with a reorganization plan and need to address your claim in the plan. Thanks Doug



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Doug Pick

From: Doug Pick
Sent: Monday, July 5, 2021 7:46 AM
To: Kapoor, Rishi
Cc: Howard Kleinhendler
Subject: Virginia True

Rishi,

Please let me know if any progress has been made. Everyone wants to proceed with getting a reorganization plan filed soon. Thanks Doug



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Doug Pick

From: Harold Somer <haroldsomer@hsomerlaw.com>
Sent: Wednesday, July 7, 2021 1:48 PM
To: Doug Pick
Subject: Fwd: Virginia True

Follow Up Flag: Follow up
Flag Status: Flagged

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From: Harold Somer <haroldsomer@hsomerlaw.com>
Sent: Wednesday, July 7, 2021 1:16:25 PM
To: Kapoor, Rishi <RKapoor@Venable.com>
Subject: Re: Virginia True

don't know if there's a deal to be made. it's my understanding discussions, as I said to you, with Doug were for [REDACTED] not sure what you would expect but certainly nothing that would result in a windfall for your client. I also understand Doug has been waiting for an offer from you.

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From: Kapoor, Rishi <RKapoor@Venable.com>
Sent: Wednesday, July 7, 2021 11:29:49 AM
To: Harold Somer <haroldsomer@hsomerlaw.com>
Subject: RE: Virginia True

Harold,

I am writing to follow up on my email below. I understand that you are not in the office this week and as a result may take longer to coordinate with your client and respond to me.

Mindful of your time out of the office, and to avoid any misunderstandings between our clients or with the other parties, please confirm by close of business today:

1. Whether your client is interested in pursuing discussions with Diatomite; and
2. Assuming your client is interested, when can you commit to getting back to me?

Thanks very much.

Rishi

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From: Kapoor, Rishi <RKapoor@Venable.com>
Sent: Tuesday, July 6, 2021 12:14 PM
To: Harold Somer <haroldsomer@hsomerlaw.com>
Subject: RE: Virginia True

Harold,

I hope you had a nice 4th of July. I look forward to hearing back from you later today. If you are not planning on getting back to me today, please let me know when you expect to. The other parties are asking about timing.

Thanks.

Best,
Rishi

Sent with BlackBerry Work
(www.blackberry.com)

From: Harold Somer <haroldsomer@hsomerlaw.com>
Date: Thursday, Jul 01, 2021, 12:06 PM
To: Kapoor, Rishi <RKapoor@Venable.com>
Subject: RE: Virginia True

Caution: External Email

ok

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(516) 333-0654 Fax
HaroldSomer@hsomerlaw.com

(Please note: This is my new and current email address)

From: Kapoor, Rishi <RKapoor@Venable.com>
Sent: Thursday, July 1, 2021 12:05 PM
To: Harold Somer <haroldsomer@hsomerlaw.com>
Subject: RE: Virginia True

I leaving to pick up my daughter from camp. Can we talk around 2 pm? You can call me at 212.370.6257, or I can give you a call.

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From: Harold Somer <haroldsomer@hsomerlaw.com>
Sent: Thursday, July 1, 2021 12:01 PM
To: Kapoor, Rishi <RKapoor@Venable.com>
Subject: RE: Virginia True

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Give me a number to call you at

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From: Kapoor, Rishi <RKapoor@Venable.com>
Sent: Wednesday, June 30, 2021 3:42 PM
To: Harold Somer <haroldsomer@hsomerlaw.com>
Subject: RE: Virginia True

Hi Harold - just checking back. Any feedback from your client?

Thanks

Rishi

Sent with BlackBerry Work
(www.blackberry.com)

From: Harold Somer <haroldsomer@hsomerlaw.com>
Date: Monday, Jun 28, 2021, 4:08 PM
To: Kapoor, Rishi <RKapoor@Venable.com>
Subject: RE: Virginia True

Caution: External Email

Call the office. Have a good evening

HAROLD M. SOMER, ESQ.
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From: Kapoor, Rishi <RKapoor@Venable.com>
Sent: Monday, June 28, 2021 4:08 PM
To: Harold Somer <haroldsomer@hsomerlaw.com>
Subject: RE: Virginia True

Thanks, Harold. Let's talk at 10 tomorrow. I can call you on your office line or circulate a dial in - whichever you prefer.

Sent with BlackBerry Work
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From: Harold Somer <haroldsomer@hsomerlaw.com>
Date: Monday, Jun 28, 2021, 4:00 PM
To: Kapoor, Rishi <RKapoor@Venable.com>
Subject: RE: Virginia True

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Good afternoon. Either is good for me

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From: Kapoor, Rishi <RKapoor@Venable.com>
Sent: Monday, June 28, 2021 3:37 PM
To: Harold Somer <haroldsomer@hsomerlaw.com>
Subject: Virginia True

Hi Harold,

As you likely know, I represent Diatomite in connection with the Virginia True bankruptcy. Are you available for a call later this afternoon after 4:30 pm, or tomorrow morning after 10 am?

Thanks,
Rishi

Rishi Kapoor, Esq. | Venable LLP
t 212.370.6257 | f 212.307.5598 | m 734.883.7197

Doug Pick

From: Harold Somer <haroldsomer@hsomerlaw.com>
Sent: Thursday, July 8, 2021 10:02 AM
To: Doug Pick
Subject: Fwd: Virginia True

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From: Kapoor, Rishi <RKapoor@Venable.com>
Sent: Thursday, July 8, 2021 9:59:51 AM
To: Harold Somer <haroldsomer@hsomerlaw.com>
Subject: RE: Virginia True

Harold:

I appreciate PanAm's interest in purchasing Diatomite's claim. I think it might be more productive if PanAm were to make an offer, because ultimately any assignment from Diatomite to PanAm would impact the defendants' liability in the malpractice case and we would bring them the offer. Is that possible?

Rishi

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From: Harold Somer <haroldsomer@hsomerlaw.com>
Sent: Wednesday, July 7, 2021 3:56 PM
To: Kapoor, Rishi <RKapoor@Venable.com>
Subject: Re: Virginia True

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make me an offer on a purchase price

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From: Kapoor, Rishi <RKapoor@Venable.com>
Sent: Wednesday, July 7, 2021 3:18:37 PM
To: Harold Somer <haroldsomer@hsomerlaw.com>
Subject: RE: Virginia True

Harold,

Thanks for getting back to me today.

I thought your client might be interested in purchasing Diatomite's claim and becoming the controlling creditor. If that's not the case, then I agree there is no deal to be made between PanAm and Diatomite.

Rishi

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Subject: Re: Virginia True

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[REDACTED] not sure what you would expect but certainly nothing that would result in a windfall for your client. I also understand Doug has been waiting for an offer from you.

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Thanks.

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To: Kapoor, Rishi <RKapoor@Venable.com>

Subject: RE: Virginia True

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HAROLD M. SOMER, ESQ.

Attorney at Law

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Subject: RE: Virginia True

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Attorney at Law

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Sent: Monday, June 28, 2021 3:37 PM
To: Harold Somer <haroldsomer@hsomerlaw.com>
Subject: Virginia True

Hi Harold,

As you likely know, I represent Diatomite in connection with the Virginia True bankruptcy. Are you available for a call later this afternoon after 4:30 pm, or tomorrow morning after 10 am?

Thanks,
Rishi

Rishi Kapoor, Esq. | Venable LLP
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Doug Pick

From: Doug Pick
Sent: Friday, July 9, 2021 9:39 AM
To: Kapoor, Rishi
Cc: hkleinhendler@yahoo.com
Subject: Virginia True

Please give me an update on where you are in addressing the claim. I had made a proposal to you for consideration but have not received any response. Thanks Doug



Douglas J. Pick | *Partner*
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369 Lexington Avenue, 12th Floor, New York, NY 10017
(212) 695-6000 Ext. 223 | dpick@picklaw.net
www.picklaw.net

Doug Pick

From: Doug Pick
Sent: Friday, July 9, 2021 5:41 PM
To: hkleinhendler@yahoo.com
Cc: haroldsomer@hsomerlaw.com; Eric C. Zabicki
Subject: Virginia True

I agreed to adjourn the hearing one more/last time to the next date (July 27) so as to allow Rishi to pursue a possible resolution. Apparently he has been advised that the malpractice case is close to completion on discovery and that Diatomite will have a better feeling/understanding as to where that case is going, within the next 4 to 6 weeks.



Douglas J. Pick | *Partner*
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www.picklaw.net

Doug Pick

From: Kapoor, Rishi <RKapoor@Venable.com>
Sent: Friday, July 9, 2021 6:26 PM
To: NYEB_NHLHearings; Eric C. Zabicki
Cc: Doug Pick; Wolf, Rachel (USTP); Stephen Starr; Avrum Rosen; rrich2@hunton.com; Harold Somer (haroldsomer@hsomerlaw.com); Gately, Caroline P.
Subject: RE: Virginia True Corporation - 19-42769 (NHL) - Virginia True Corporation v. Cipollone, et al. - 19-0118 (NHL)

Ms. Weiss,

Thank you for reaching out. I have conferred with Mr. Pick, counsel for the debtor. The parties' discussions are ongoing, including those with Pan America, whose counsel was out of the office this week. We expect those discussions will continue next week.

Under the circumstances, Mr. Pick and I agree that it would be prudent if the motions scheduled for July 13th are heard on the next scheduled hearing in this case, July 27, at 3:30 (with Diatomite's deadline to submit an objection to the settlement motion, to the extent it wishes to, extended to July 20).

While I have conferred with debtor's counsel, in the interests of providing a prompt response, I have not had a chance to speak with the other parties and do not intend to represent their views.

Thank you for your consideration and have a nice weekend.

Respectfully,
Rishi Kapoor

Rishi Kapoor, Esq. | Venable LLP
t 212.370.6257 | f 212.307.5598 | m 734.883.7197
Rockefeller Center, 1270 Avenue of the Americas, 24th Floor, New York, NY 10020

From: NYEB_NHLHearings <NHL_Hearings@nyeb.uscourts.gov>
Sent: Friday, July 9, 2021 4:16 PM
To: Eric C. Zabicki <ezabicki@picklaw.net>
Cc: dpick_picklaw.net <dpick@picklaw.net>; Wolf, Rachel (USTP) <Rachel.Wolf@usdoj.gov>; Kapoor, Rishi <RKapoor@Venable.com>; Stephen Starr <sstarr@starrandstarr.com>; Avrum Rosen <arosen@rkdlawfirm.com>; rrich2@hunton.com; Harold Somer (haroldsomer@hsomerlaw.com) <haroldsomer@hsomerlaw.com>
Subject: Virginia True Corporation - 19-42769 (NHL) - Virginia True Corporation v. Cipollone, et al. - 19-0118 (NHL)

Caution: External Email

Dear counsel,

As I recall, the last hearing on Virginia True was adjourned to permit ongoing discussions with Diatomite regarding the Debtor's settlement with the Cipollones. What is the status? The settlement motion and the dismissal motion are scheduled for Tuesday.

Thank you.
Sharon Weiss

Sharon L. Weiss
Law Clerk to the Hon. Nancy Hershey Lord
U.S. Bankruptcy Court, E.D.N.Y.
271 Cadman Plaza East, Suite 1595
Brooklyn, NY 11201
Tel: (347) 394-1853

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Doug Pick

From: Doug Pick
Sent: Wednesday, July 14, 2021 1:15 PM
To: Kapoor, Rishi
Cc: haroldsomer@hsomerlaw.com
Subject: Virginia True

Any update on a proposal from Diatomite? Not sure we are making any progress. Also you had said, if I recall correctly, that you believe that the property is currently worth less than \$8.0 million. Can you give me your client's opinion as to value and if it is supported by anything? I may have to go out and get an independent current appraisal if you do not have one and/or if we cannot agree to a number Thanks Doug



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